

AN ACT

ENTITLED, An Act to revise certain provisions relating to the practice of counseling.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-32-1 be amended to read as follows:

36-32-1. Terms as used in this chapter mean:

- (1) "Board," the Board of Counselor Examiners established under this chapter;
- (2) "Counseling treatment interventions," the application of cognitive, affective, behavioral, and systemic counseling strategies which include principles of development, wellness, and pathology implemented in the context of a professional counseling relationship;
- (3) "Doctorate or master's degree in counseling," completion of study following a bachelor's degree in a clearly identified counseling program which stands as a recognizable organizational entity within an accredited institution of higher learning and which includes participation in a supervised practicum and internship in counseling;
- (4) "Postgraduate," following completion of study for a master's or doctoral degree;
- (5) "Practice of professional counseling," application of mental health, psychological, and human development principles in order to:
  - (a) Facilitate human development and adjustment throughout the life span;
  - (b) Prevent, diagnose, and treat mental, emotional, or behavioral disorders and associated distresses which interfere with mental health;
  - (c) Conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives; and
  - (d) Plan, implement, and evaluate treatment plans using counseling treatment interventions;
- (6) "Supervised internship," an actual on-the-job-experience in professional counseling under the supervision of an on-site supervisor who is a licensed professional counselor or related mental health professional or who is eligible to be licensed;
- (7) "Supervised practicum," the providing of counseling to any bona fide client or group seeking services from a counselor. This supervised practicum shall be under the direction of a qualified graduate faculty member and includes critiquing of counseling, either observed or recorded on audio or video tape.

Section 2. That § 36-32-9 be amended to read as follows:

36-32-9. It is a Class 2 misdemeanor for any person to engage in the practice, or attempt to practice, professional counseling as defined in subdivision 36-32-1(5) and collect a fee for the service without a license issued pursuant to this chapter.

Section 3. That § 36-32-12 be amended to read as follows:

36-32-12. This chapter does not apply to the activities and services of a person practicing professional counseling as defined in subdivision 36-32-1(5) as part of that person's duties as a:

- (1) Professional licensed or certified under this title acting in a manner consistent with state law regarding the scope of practice;
- (2) Person employed by a school, college, university, or other institution of higher learning;
- (3) Person employed by a federal, state, county, or local governmental institution or agency while performing those duties for which the person was employed by such institution, agency, or facility;

- (4) Person who is employed by a licensed health care facility, an accredited prevention or treatment facility, an adjustment training center, a nonprofit mental health center, or a licensed or registered child welfare agency;
- (5) Member of the clergy while acting in a ministerial capacity if the activity is within the scope of performance of regular or specialized duties;
- (6) Post-graduate supervised trainee who has an approved plan of supervision on file with the board;
- (7) Mental health practitioner who has a minimum of a master's degree in counseling or a related mental health field with a plan of supervision and original transcripts on file with the board before July 1, 2008; or
- (8) Students enrolled in recognized programs of study leading to counseling degrees may practice only under the direct supervision of a counselor educator or counselor licensed under this chapter.

Section 4. That chapter 36-32 be amended by adding thereto a NEW SECTION to read as follows:

The requirements of subdivisions 36-32-13(5), (6) and (7) are waived if the applicant:

- (1) Has a master's degree in counseling or a related mental health field;
  - (2) Has completed an application for licensure before January 1, 2008; and
  - (3) Submits three letters of verification on forms provided by the board documenting a minimum of ten years of at least half-time professional counseling as defined in subdivision 36-32-1(5) in the immediate preceding fifteen years.
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